

• JAMES E. STEWART.

JANUARY 16, 1857.—Laid upon the table and ordered to be printed.

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Mr. B. CLARKE, from the Committee on Military Affairs, made the following

REPORT.

*The Committee on Military Affairs, to whom was referred the memorial of James E. Stewart, respectfully report :*

The committee find their views so admirably set forth in a report made by Mr. Faulkner, from the Military Committee during the second session of the thirty-third Congress, that they append the same as a part of this their report, and ask to be discharged from the further consideration of the memorial.

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IN THE HOUSE OF REPRESENTATIVES, DECEMBER 22, 1854.

Mr. FAULKNER, from the Committee on Military Affairs, made the following report :

*The Committee on Military Affairs, to whom was referred the memorial of James E. Stewart, late a captain in the battalion of Maryland and District of Columbia volunteers, in the war with Mexico, have accordingly had the same under consideration, and submit the following report :*

It appears, from the evidence, that the memorialist entered the service as captain of company A, in said battalion, on the 30th of May, 1846, at the city of Washington, for the period of twelve months; that upon the death of Lieutenant Colonel Watson, who was killed in the action at Monterey on the 21st of September, 1846, the memorialist, by virtue of his position as senior officer, became the officer in command of the battalion, and so continued until the 24th November, 1846, when Major R. A. Buchanan, United States army, assumed the command by regular appointment.

The memorialist claims the difference between the pay of captain and the pay and emoluments of a lieutenant colonel, from the 21st of September, 1846, the date of the death of Lieutenant Colonel Watson,

and the 30th of May, 1847, when the battalion was mustered out of service.

How the memorialist can claim pay as a lieutenant colonel for a time when Major Buchanan was regularly in discharge of the duties of the command, the committee cannot conceive.

If the memorialist is entitled to any additional allowance whatever, it would only be for the time between the death of Lieutenant Colonel Watson, on the 21st of September, 1846, and the appointment of Major Buchanan, on the 24th of November, 1846—a period of about two months. The committee are not willing, however, to admit his claim even to that extent, for the reason that they are of opinion that the mere temporary imposition of an additional honor or responsibility upon an officer can give him no claim to extra compensation. The pay is graduated according to the rank of the officer.

There was scarcely a regiment in Mexico which was not at one time under the command of a captain, and yet those officers have never set up any claim to compensation beyond their rank. To allow, then, this demand, would be opening the door to an endless batch of claims of the same character, and for the performance temporarily of duties which are coveted as the means of honorable distinction, but have never heretofore been regarded as conferring any additional claim to pay.

For these reasons, the committee ask to be discharged from the further consideration of the memorial.